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(via email to Temporary Pro Se Office)

Hon. Valerie Caproni
U.S. District Court for the
Southern District of New York
40 Foley Square- room 240
New York, N.Y. 10007

Re: Benthos v. Etra, 20 cv 03384 (VEC) Response to Petitioner's latest Contempt Motion and
Pro Bono attorney request

Dear Judge Caproni,

I have been working diligently and single-handedly to continue to comply with your Orders and to respond to Petitioner's latest and most extensive to date and over-reaching contempt motion, while also dealing with what Judge Parker has required of me.

I have conveyed both orally, on a call Mr. Popofsky made to me earlier this month and in an exchange of emails, my major problems in my being able to respond in the manner to which I am entitled. Because of its voluminous amount (some 1,000 pages with 48 exhibit headings) and the way it was delivered (in numerous out of order emails), I have been now totally confused in what was and was not delivered to me, in what order to respond and whether there was or was not original or repetitive material that needed to be dealt with. And there is still unresolved confusion about what was received and not cut off from my midnight oil October 7th submission, done under exhaustion and working into the sabbath and the Jewish holidays, and responding to Judge Parker.

That is why I had written to the Court and Mr. Popofsky about he and I working between ourselves within a reasonable amount of time on how to deal responsibly with the massive material in the various subpoenas and clearing -up which of my responses he had and didn't already have and what could have been cut off by the overload on the submission of October 7th. In one request alone of Mr. Popofsky, he asked for almost all of the bank statements ever submitted, with many pages of that specific attachment and other smaller attachments cut off and never got submitted in that particular email, as it apparently exceeded the software requirements.

Now, most seriously, in addition to the above and a continuation of prior gratuitous and mistaken allegations and accusations, which Mr. Popofsky has foisted on me from the first day of this matter before Judge Batts (who finally rejected them), it is all too clear that he has in his latest motion papers this time accused me of crimes that I did not commit and analogized me to a proven criminal, relying on what I believe should be a completely distinguished case. He has also repeated his call for my incarceration that has driven him, again from day one of this

matter. He wants me to live at an unconscionable and inhumane level, to the point of not paying any rent and being evicted. While I do not claim to be knowledgeable in the laws about this type of matter, I do not believe the Court should approve his actions, at least without a hearing on these issues, which has never been held before any of the four judges in this matter.

Your Honor, I have done my best to answer every document served on me up until now and tried to contend as best I could to defend my rights against Mr. Popofsky and his at least 5-person legal team. It is clear now that I have been inevitably unsuccessful and in no position to defend myself with my lack of litigation knowledge and experience and that this could cost me my freedom and what is left of my health and limited resources. I do now need desperately a defense lawyer to be able to deal with what Mr. Popofsky has put before the Court and for me to be able to continue to comply with your Orders, to respond to him as well as preserving at 81 years of age what remains of my life, fragile health and economic survival, not luxury.

I have been facing the extreme pressure created by the timing demanded by Mr. Popofsky. requesting total responses by this Friday, his firm's continuing unwillingness to honor even the respectful request to work together for the back and forth needed to make any sense of his motion and the supporting documents and his refusal to give me the time to secure help to respond to his papers within a reasonable time. On top of it all, he is putting my freedom at stake. Under these extreme conditions, I reached out to the pro se office and followed their instructions to apply for a pro bono lawyer which is hereby attached.

I respectfully request that Your Honor approves and, to whatever extent possible, assists me in this process of doing so in order that I am able to be defended in a manner consistent with due process and other constitutional, federal, state and local law rights, protections and guarantees. Building on their efforts over four years, I have now been severely threatened by a firm of skilled litigators trying to incarcerate and bury me physically and economically on a matter of a failed business transaction between principals and not me. Even though his clients may have this written this debt off long ago, my focus is and has been to settle the matter along lines agreed with Mr. Popofsky. Clearly, I cannot do so if incarcerated or if my total attention and energy continues to be drained in dealing with subpoenas, restraining orders and contempt motions which bring no benefit to Benthos for reasons made clear over four years.

Mr. Popofsky knows full well that my constant request, that he has always denied, has been to let me devote my time on a commitment to assist willing others in raising funds that I do not personally have and never personally had, for what is an agreed sum for settlement, rather than having to spend my time on fighting in Court over the minimal resources I need to live on and now for my personal freedom.

I thank Your Honor in advance for whatever help can be afforded me in the pro bono appointment and for objectively considering how to properly deal with the massive amount of time and work needed to submit a response.

Respectfully submitted,



Cc.: Steven Popofsky, Esq.